THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6215 OF 2006

03.04.2006

Between:

S.Ramdas, S/o.Ganganna

And another

… Petitioners

AND

The District Collector, Ananthapur District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6215 OF 2006

ORDER:

The petitioners are residents of Gabilipally village of Lepakshi Mandal in Ananthapur District. They are the sons of one Ganganna. They along with their other brothers are owners of land admeasuring Acs.2.00 in survey No.79/2 of the said village. They alleged that the father of the petitioners dug a bore well in a tank when the water receded. The second respondent issued a notice on 21.5.2004 under A.P. Water, Land & Trees Act, 2002 (the Act, for brevity) directing the petitioners to close the bore well, which was dug in the tank bed without permission. The petitioners then submitted a representation to the first respondent and the matter rested there. It is now alleged that on 22.3.2004, the Mandal Revenue Officer (MRO), Lepakshi visited the land and asked the petitioners to close the bore well. Aggrieved by the same, the present writ petition is filed.

A perusal of the notice in Rc.No.184/04, dated 21.5.2005 would show that the said notice was issued by the MRO straight away directing the petitioners to close the bore well and the same was not preceded by any notice. Be that as it is, as rightly pointed out by the learned Assistant Government Pleader for Revenue (General), this writ petition is filed on mere apprehension and if any action has to be taken by the MRO for any alleged illegality committed by the petitioners, a notice has to be

issued by the MRO. This observation would safeguard the interest of the petitioners.

The writ petition, with the above observation, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

April 03, 2006

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